

### **REMARKS**

Review and reconsideration of the final Office Action mailed December 17, 2011 (the "Office Action"), is respectfully requested in view of the above amendments and the following remarks. The Commissioner is authorized to charge the \$1,110 fee for a three month extension of time and the \$810 fee for a request for continued examination to Deposit Account No. 04-1679. Although no additional fees are believed due, the Commissioner is hereby authorized to charge any deficiency or credit any surplus to Deposit Account No. 04-1679.

At the time of the Office Action, claims 1, 3-4, 6, 8, 9 and 11-12 were pending. By this amendment, claims 1 and 11 have been amended, claim 12 has been cancelled, and claims 13-14 have been added. No new matter is added.

The amendments presented herein have been made solely to expedite prosecution of the instant application to allowance and should not be construed as an indication of Applicants' agreement with or acquiescence to the Examiner's position. Accordingly, Applicants expressly maintain the right to pursue broader subject matter through subsequent amendments, continuation or divisional applications, reexamination or reissue proceedings, and all other available means. The amendments and rejections are addressed below in more detail.

### **Amendments to the Claims**

By this Amendment, independent claim 1 is amended to add the limitation (i) "a flame having a temperature of 1,000 °C or above" and the limitation (ii) "said gelatinous film is ...formed by the contact of the surface of said cooking oil with flame". The limitation (i) is derived from claim 12. Concerning the limitation (ii), support for this amendment is located, e.g., in page 4, line 25 to page 5, line 2 which reads "the surface of the cooking oil 2 that was thinly and evenly applied to the inside surfaces of the molds 1b and 1c is brought into contact with a flame of a burner 6 so as to roast the surface of the cooking oil 2, thus forming a film 7 on the inside surfaces of the molds 1b and 1c. The film 7 is formed in a gelatinized state". No new matter is added.

Support for newly added claims 13 and 14 is located, e.g., in page 4, line 19 to page 5, line 2. No new matter is added.

**Claim Rejection - 35 U.S.C. §103**

In the Office Action, Claims 1, 3-4, 6, 8-9 and 11 are rejected under 35 U.S.C. §103(a) as being obvious in view of U.S. Patent No. 6,099,877 by Schuppan (hereinafter "Schuppan") and claim 12 is rejected under 35 U.S.C. §103(a) as being obvious in view of "Temperatures in Flames and Fires" by Babrauskas (hereinafter "Babrauskas") over Schuppan.

(1) Schuppan fails to teach or suggest that a gelatinous film is formed by the contact of the surface of said cooking oil with the flame. Nor is it obvious for a person ordinarily skilled in the art that a gelatinous film is formed by the contact of the surface of said cooking oil with the flame. In Schuppan, the gel is not contacted with a flame until after the gel is formed.

(2) Schuppan teaches that the mixture of soybean oil and cottonseed oil may be ignited as the Examiner points out in paragraph 8 in the Final Office Action. However, since this merely represents that the composition is flammable, no person ordinarily skilled in the art could have come up with the idea that a gelatinous film is formed by the contact of the surface of said cooking oil with the flame.

(3) According to the method taught by Schuppan, a mixture of fat derived from cottonseed and soybean oils and silica gel is combined over some heat to keep the fat melted until the silica absorbs all the fat resulting in a smooth consistent gel (*see* column 6, lines 33 to 35). This process forms a gel by utilizing the fact that porous silica can absorb oil to form a gel. In contrast, the present invention has such constituent feature that "said gelatinous film is formed only from cooking oil and formed by the contact of the surface of said cooking oil with the flame" so that a gelatinous film is formed only from cooking oil without using silica gel and by the contact of the surface of said cooking oil with the flame.

Applicant strongly disagrees with the Examiner's assertions in paragraph 5 on page 2 in the Final Office Action. In fact, silica gel itself is "gel" that absorbs the cooking oils to form a gel. All of the Schuppan's examples contain silica gel as an essential component for forming gel compositions of Schuppan. This is apparent from Example 2, which explains that the mixture of oils and silica is

heated "until the silica absorbed all the fat resulting in a smooth consistent gel." Schuppan, Col. 6, ln. 33-36. That is, Schuppan's gel compositions necessarily have components other than cooking oil.

More specifically, it is believed that in the claimed methods and films, double bonds of unsaturated fatty acids contained in a cooking oil experience cross-linking reaction by exposure to a flame having an extremely high temperature (1,000 °C or above), and thus a gelatinous, cross-linked film is formed on the outer surface of the oil. For details, cooking oil maintains its liquid state on the side contacting with the base although a gelatinous film is formed at the surface of cooking oil. Because of this, the claimed gelatinous film can be easily peeled from the base. In order to produce a film with good peeling properties, the specification discloses that the temperature of the substrate should be less than 240°C. Specification, Page 4, ln. 16-19. Thus, contrary to the Examiner's assertions, the side that the heat is applied from does matter.

Schuppan fails to disclose or suggest bringing a surface of the cooking oil into contact with a flame during the film forming process. Additionally, Schuppan fails to disclose or suggest using a flame having such a high temperature. Schuppan discloses only that a mixture of gel composition is heated in order to thoroughly melt and mix the components and to obtain the desired texture. Schuppan teaches that preferred melting point ranges of components of the inventive food products are between 78 °F. and 160 °F., i.e., between 26 °C and 71 °C. In Example 12, it is specified that the components of Schuppan are blended by melting, i.e., not decomposing, the fats and heating to 150 °F while stirring. As with Example 2, discussed above, the heating is necessary so that the oil flows into, i.e., is absorbed by, the silica. Just to melt such components, it is unlikely that a person of skill in the art would have used a flame having a temperature of 1,000 °C.

Therefore, Applicant respectfully submits that the claims are clearly distinguishable from Schuppan, which utilizes the gel forming property of silica gel. No person ordinarily skilled in the art could have come up with the idea to bring a surface of the only cooking oil applied onto the surface of the base into contact with a flame having a temperature of 1,000 °C or above.

(4) If you try to form a gelatinous film by heating a base (pot or pan), it is considered that the base needs to be heated at high temperature. However, it is not practical that the base is heated at such high temperature. Further, even if it is possible to form a gelatinous film by heating a base, it is

not possible to obtain a film having the claimed peeling property relative to a base since gel decomposes due to the heat of the base and the gelled oil sticks to the base. This is the reason the specification discloses that the temperature of the substrate should be less than 240°C. Specification, Page 4, ln. 16-19. In contrast, according to the pending claims, the surface of cooking oil is brought into contact with a flame without heating a base at such high temperature and thus it is possible to obtain a film having a peeling property relative to a base.

In summary, the cited references fail to teach or suggest the claimed method forming a gelatinous film by bringing a surface of a cooking oil into contact with a flame.

Accordingly, Applicant respectfully request that all rejection based on combination of Schuppan and Babrauskas be withdrawn.

#### **Conclusion**

For at least the reasons set forth above, the independent claims are believed to be allowable. In addition, the dependent claims are believed to be allowable due to their dependence on an allowable base claim and for further features recited therein. The application is believed to be in condition for immediate allowance. If any issues remain outstanding, Applicant invites the Examiner to call the undersigned (561-962-2110) if it is believed that a telephone interview would expedite the prosecution of the application to an allowance.

Respectfully submitted,

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Date: June 17, 2011

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